

House File 408 - Introduced

HOUSE FILE 408

BY BEST

A BILL FOR

1 An Act relating to weighing motor vehicles.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.465, Code 2017, is amended to read
2 as follows:

3 **321.465 Weighing vehicles and removal of excess.**

4 1. Any peace officer having reason to believe that the
5 weight of a vehicle and load is unlawful is authorized to
6 require the driver to stop and submit to a weighing of the ~~same~~
7 vehicle and load either by means of portable or stationary
8 scales and may require that such vehicle be driven to the
9 nearest public scales. If the peace officer requires the
10 vehicle and load to be weighed by means of portable scales, the
11 driver may request that the weighing of the vehicle and load
12 instead take place at the nearest public scales that comply
13 with section 215.18. If the driver makes such a request, the
14 peace officer shall permit the vehicle to be driven to the
15 nearest public scales that comply with section 215.18 to be
16 weighed.

17 2. If an officer upon weighing a vehicle and load determines
18 that the weight is unlawful, the officer may require the driver
19 to stop the vehicle in a suitable place until such portion of
20 the load is removed as may be necessary to reduce the gross
21 weight of the vehicle and load to the limit as permitted under
22 this chapter. All material so unloaded shall be cared for by
23 the owner or operator of the vehicle at the risk of the owner
24 or operator. The owner or operator of an overweight vehicle,
25 designed to transport solid waste and domiciled within the
26 state, which is transporting solid waste, shall not be required
27 to unload any portion of the load, if the load is indivisible,
28 in a place other than a facility which is permitted to handle
29 solid waste disposal, processing, or recycling. For purposes
30 of **this section** "*solid waste*" means waste which is acceptable
31 at a local sanitary landfill and the solid waste shall be
32 considered to be an indivisible load.

33 3. A driver of a vehicle who fails or refuses to stop and
34 submit the vehicle and load to a weighing, or who fails or
35 refuses when directed by an officer upon a weighing of the

1 vehicle and load to stop the vehicle and otherwise comply with
2 this section, is guilty of a simple misdemeanor.

3 4. Upon weighing a vehicle and load, as above provided,
4 if such load is a sealed load, the weight officer shall issue
5 a certificate setting forth the weights as determined by the
6 weight officer and the seal number or numbers, if requested by
7 the operator.

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 Current law provides that any peace officer having reason
12 to believe that the weight of a vehicle and load is unlawful
13 is authorized to require the driver to stop and submit to a
14 weighing of the vehicle and load either by means of portable or
15 stationary scales and may require that such vehicle be driven
16 to the nearest public scales.

17 If the peace officer requires the vehicle and load to be
18 weighed by means of portable scales, this bill permits the
19 driver to request that the weighing of the vehicle and load
20 instead take place at the nearest public scales meeting the
21 specifications and tolerances required by Code section 215.18.
22 If the driver makes such a request, the bill requires the peace
23 officer to permit the vehicle to be driven to the nearest
24 public scales that comply with Code section 215.18 to be
25 weighed.